

Judge Clifford Scott Green

Judge Green was born in Philadelphia on April 2, 1923. He attended Temple University, receiving a B.S. in Economics in 1948 and a J.D. in 1951. In 1977, he was awarded an honorary LL.D. by Temple. From 1952 to 1964, Judge Green was in private practice in Philadelphia. Between 1964 and 1971, Judge Green served as a Judge of the Court of Common Pleas of Philadelphia County. Judge Green was appointed to the United States District Court for the Eastern District of Pennsylvania on December 2, 1971. He assumed senior status in April of 1988.

PRELIMINARY GENERAL MATTERS

1. *Correspondence With the Court*

Judge Green permits correspondence with the Court, but he requires that copies of all letters be sent to all counsel.

2. *Communications With Law Clerks*

Judge Green permits counsel to speak with his law clerks, but the law clerks may not give legal advice.

3. *Telephone Conferences*

With respect to matters such as scheduling and extensions of time, Judge Green prefers that counsel first attempt to agree upon a stipulation to be submitted for Court approval. If counsel are unable to resolve the dispute by stipulation, Judge Green will arrange a telephone conference in lieu of a formal motion.

4. *Oral Arguments and Evidentiary Hearings*

Judge Green does not set aside certain days or times for oral arguments or evidentiary hearings.

5. *Pro Hac Vice Admissions*

With respect to motions for admission of counsel *pro hac vice*, an oral motion at the time of counsel's first appearance in court is sufficient.

CIVIL CASES

Pretrial Procedure

1. *Pretrial Conferences*

Judge Green regularly conducts status conferences, settlement conferences, and pretrial conferences when requested by counsel and, occasionally, *sua sponte*. Judge Green has no fixed agenda for such conferences. The agenda depends entirely on the purpose of the conference. Occasionally, Judge Green enters a pretrial order in the form suggested by Local Rule 21(d)(2).

Continuances and Extensions

1. *General Policy*

Judge Green has no special policies governing requests for continuances or extensions of briefing schedules, oral arguments, evidentiary hearings, discovery deadlines, or trial dates.

2. *Requests for Extensions and Continuances*

Judge Green has no requirements as to how far in advance of a due date or deadline counsel should submit a request for continuance or extension. Judge Green prefers that counsel seeking a continuance or extension submit a stipulation signed by all counsel to the Court for approval.

General Motion Practice

1. *Oral Argument on Motions*

Judge Green accepts and considers all requests for oral argument on motions, and he schedules such oral argument when he considers it appropriate and necessary.

2. *Reply and Surreply Briefs*

Judge Green has no specific policies regarding the submission of reply or surreply briefs.

3. *Chambers Copies of Motion Papers*

Judge Green prefers that courtesy copies of motion papers be sent to his chambers.

Discovery Matters

1. *Length of Discovery Period and Extensions*

Judge Green has no specific policy regarding the length of time usually permitted for discovery. The length of the discovery period is determined on a case-by-case basis.

2. *Discovery Conferences and Dispute Resolution*

Judge Green does not hold discovery conferences other than the usual Rule 16 conference. Judge Green will entertain telephone conferences to resolve discovery disputes that arise during depositions, but he believes that most disputes can and should be settled by counsel.

3. *Confidentiality Agreements*

With respect to uncontested confidentiality orders, Judge Green requires that a stipulated confidentiality order be submitted to the Court for approval.

4. *Expert Witnesses*

Judge Green has no special rules with respect to the submission of expert reports or the taking of expert depositions. He also has no special requirements regarding disclosure of the identity of expert witnesses.

Settlement

1. *General Approach to Settlement and Non-jury Cases*

Judge Green does not routinely hold settlement conferences, but he will schedule a settlement conference at the request of counsel. Judge Green will participate in settlement negotiations in non-jury cases only if requested to do so by all counsel.

2. *Referral of Settlement Negotiations to Another District Court Judge*

At the request of counsel, Judge Green will refer settlement negotiations to a Magistrate Judge or, occasionally, to another District Court Judge.

Arbitration

1. *General Approach to Arbitration Cases*

Judge Green has no special practices or procedures for arbitration cases that differ from those used in cases certified as involving more than \$100,000.

2. *Scheduling of Trial De Novo From Arbitration*

Judge Green normally begins trial within 90 days after the filing of a demand for trial *de novo* after arbitration.

Proposed Final Pretrial Memoranda

1. *Required Form of Pretrial Memoranda*

Judge Green has no special requirements for final pretrial memoranda other than those set forth in Local Civil Rule 21. Long form proposed pretrial orders are not required except when specially ordered by the Court.

2. *Common Deficiencies in Pretrial Memoranda*

Judge Green observes that pretrial memoranda are typically not very helpful to the Court in that they are usually more protective than informative.

Injunctions

1. *Scheduling and Expedited Discovery*

Prior to scheduling an injunction hearing, Judge Green usually will hold a conference with counsel. Expedited discovery will be authorized in injunctive matters when appropriate.

2. *Proposed Findings of Fact and Conclusions of Law*

Judge Green requires submission of proposed findings of fact and conclusions of law in injunction cases before the commencement of a hearing.

Trial Procedure

1. *Scheduling of Cases*

Judge Green's usual procedure is to place most cases in a trial pool. He will assign a date certain for trial, either upon a showing of good cause or when necessary to assure the availability of counsel.

2. *Conflicts of Counsel*

Counsel should notify Judge Green's Deputy Clerk of any professional or personal conflicts affecting the trial schedule.

3. *Cases Involving Out-of-Town Parties or Witnesses*

Judge Green has no special policies with respect to scheduling trials of cases involving out-of-town parties or witnesses, but he does try to accommodate out-of-town participants.

4. *Notetaking by Jurors*

Judge Green has no policy regarding notetaking by jurors. In complex cases, he would consider permitting it if requested by counsel.

5. *Trial Briefs*

Judge Green has no specific requirements with respect to the submission of trial briefs. He appreciates the submission of short trial briefs in complex cases.

6. *Voir Dire*

Unless his participation is requested, Judge Green's usual practice is to permit counsel to conduct *voir dire*. Judge Green's Deputy Clerk is present. If a dispute arises during *voir dire*, counsel may obtain a ruling by Judge Green on the record. Judge Green places no time limits on *voir dire*.

7. *Side Bars*

Judge Green encourages counsel to raise all issues before the jurors come into the courtroom. If a problem that could not have been anticipated arises while the jury is present, Judge Green will permit a side-bar conference.

8. *In Limine Motions*

Motions *in limine* are not encouraged. Judge Green prefers to make evidentiary rulings in the context of a full trial record.

9. *Examination of Witnesses Out of Sequence*

Judge Green permits counsel to take witnesses out of turn for the convenience of the witness.

10. *Opening Statements and Summations*

Judge Green does not place time limits on the opening statements or summations of counsel.

11. *Examination of Witnesses or Argument by More Than One Attorney*

Judge Green will permit more than one attorney for a party to examine different witnesses or to argue different points before him.

12. *Examination of Witnesses Beyond Redirect and Recross*

Judge Green has no special policy regarding the further examination of a witness after redirect and recross have been completed. Whether further questioning will be permitted depends on the circumstances of the particular examination.

13. *Videotaped Testimony*

Judge Green believes that videotaped testimony is not well received by jurors. Therefore, he endeavors to arrange trial so that all witnesses may appear in the courtroom to testify.

14. *Reading of Material Into the Record*

Judge Green has no special practice or policy with respect to reading stipulations, pleadings, or discovery materials into the record.

15. *Preparation of Exhibits*

Judge Green requires that all exhibits be pre-marked and pre-exchanged. Counsel should provide one set of the trial exhibits to Judge Green.

16. *Offering Exhibits Into Evidence*

Judge Green prefers that exhibits be offered into evidence at the close of each party's case-in-chief.

17. *Motions for Judgment as a Matter of Law and Motions for Judgment on Partial Findings*

Judge Green requires that serious motions for judgment as a matter of law (or motions for judgment on partial findings in non-jury trials) be submitted in writing. When a real question exists as to the appropriate ruling on such a motion, Judge Green will permit oral argument.

18. *Proposed Jury Instructions and Verdict Forms*

Judge Green prefers that proposed jury instructions be submitted only for difficult or novel areas of law. Supplemental proposed jury instructions are permitted, and, if necessary to correct error or prevent injustice, these may be submitted at the last moment. Judge Green conducts a conference on proposed jury instructions.

19. *Proposed Findings of Fact and Conclusions of Law*

In non-jury cases, proposed findings of fact and conclusions of law should be submitted immediately before trial.

Jury Deliberations

1. *Written Jury Instructions*

Judge Green never gives the jury a written copy of his instructions.

2. *Exhibits in the Jury Room*

Judge Green seeks the agreement of counsel regarding which exhibits should go out with the jury.

3. *Handling of Jury Requests to Read Back Testimony or Replay Tapes*

When the jurors request to have testimony read back, Judge Green will attempt to obtain agreement among counsel as to that portion of the testimony to be read. He will then have the jurors come into the courtroom to hear that portion of the testimony. Judge Green also will usually permit tape recordings and videotapes to be replayed when requested by the jurors.

4. *Availability of Counsel During Jury Deliberations*

During jury deliberations, Judge Green requires that counsel be available on telephone notice.

5. *Taking the Verdict and Special Interrogatories*

Judge Green will consider the requests of counsel as to the taking of a special or general verdict. General verdicts may be accompanied by written interrogatories if appropriate.

6. *Polling the Jury*

Judge Green routinely polls the jury when requested by counsel. However, the signature of each juror to the special verdict form should make polling unnecessary.

7. *Interviewing the Jury*

Upon request, Judge Green will permit counsel to interview the jurors, but he will not permit inquiry into their deliberations.

CRIMINAL CASES

1. *Approach to Oral Argument and Motions*

Judge Green has no specific policy on whether to allow oral argument on motions in criminal cases. Argument will usually be granted upon request of counsel.

2. *Pretrial Conferences*

Judge Green usually does not hold pretrial conferences in criminal cases.

3. *Voir Dire*

Judge Green conducts the initial *voir dire* in criminal cases, but he permits counsel to make additional inquiries.

4. *Sentencing Memoranda*

Judge Green permits the submission of sentencing memoranda by the Government and the defendant.

OTHER GENERAL MATTERS

Judge Green has no preference with respect to receiving copies of the appellate briefs when a decision rendered by him is appealed. He leaves this choice to counsel.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

) CIVIL ACTION
)
)
)
) NO.

PRETRIAL ORDER

AND NOW, this _____ day of _____, 200__, IT IS ORDERED:

1. All discovery in this case is to be completed by _____.
2. Pretrial motions or motions for summary judgment are to be filed within 15 days of the close of discovery.
3. This case will be placed in the trial pool (published in the *Legal Intelligencer*) on _____.
4. Changes in the foregoing schedule may be obtained only by written application to the Court, for cause shown.
5. Unless otherwise ordered, counsel need not submit a final pretrial order. However, all exhibits must be marked and exchanged, and all witness lists exchanged, at least three working days in advance of trial. No objection to authenticity of any exhibit will be entertained unless raised before trial.
6. If requested by counsel, the Court will hold a pretrial or settlement conference at any time; but no such conference will ordinarily be scheduled in the absence of a request.

BY THE COURT:

CLIFFORD SCOTT GREEN, Sr.J.